

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF TEXAS  
WACO DIVISION

JENS H.S. NYGAARD

Plaintiff,

v.

FÉDÉRATION INTERNATIONALE DE  
L'AUTOMOBILE, FORMULA ONE  
MANAGEMENT LTD., FORMULA ONE  
WORLD CHAMPIONSHIP, MERCEDES-  
BENZ GRAND PRIX LTD., DAIMLER AG,  
LEWIS HAMILTON, RED BULL  
TECHNOLOGY LTD., RED BULL  
RACING LTD., FERRARI S.P.A.,  
CHARLES LECLERC, AND DALLARA  
AUTOMOBILI S.P.A.

Defendants.

Case No. 6:20-cv-00234-ADA

JURY TRIAL DEMANDED

**JOINT REPORT REGARDING**  
**NARROWING OF ASSERTED CLAIMS AND PRIOR ART**

Pursuant to the Court's Order Governing Proceedings (Dkt. No. 110), the parties met and conferred on and following March 7, 2022 regarding case narrowing, and respectfully submit the following report:

Plaintiff asserts three claims (1, 2, and 4). Defendants requested that Plaintiff drop one of claims 1 or 4 as redundant and other aspects of its claims, including its doctrine of equivalents theory and Section 271(f) claims. Plaintiff, however, stated that it intends to present all three claims at trial and declined to narrow any of its theories. Claims 1 and 4 cover legally distinct use cases but otherwise have generally similar limitations, and thus Plaintiff expects to present substantially identical proofs for these claims at trial as it has in its expert reports.

Defendants' invalidity expert report presented 12 prior art references in 31 unique grounds (i.e., references or combinations of references). During the meet and confer process Defendants agreed to narrow their invalidity case to a maximum of 13 unique grounds, but Defendants have not yet finalized the specific grounds they will carry forward. Defendants will file a supplemental status report no later than March 25, 2022 identifying the narrowed set of grounds.

Dated: March 14, 2022

Respectfully submitted,

/s/ Danielle J. Healey

Danielle J. Healey  
Attorney in Charge  
Texas Bar No. 09327980  
[healey@fr.com](mailto:healey@fr.com)  
Brian Strand  
Texas Bar No. 24081166  
[strand@fr.com](mailto:strand@fr.com)  
**FISH & RICHARDSON P.C.**  
1221 McKinney Street, Suite 2800  
Houston, Texas 77010  
Telephone: (713) 654-5300  
Facsimile: (713) 652-0109

Tommy Jacks  
Texas Bar No. 10452000  
[jacks@fr.com](mailto:jacks@fr.com)  
**FISH & RICHARDSON P.C.**  
111 Congress Avenue, Suite 810  
Austin, Texas 78701  
Telephone: (512) 472-5070  
Facsimile: (512) 320-8935

Ahmed J. Davis (admitted *pro hac vice*)  
Washington D.C. Bar No. 472321  
[adavis@fr.com](mailto:adavis@fr.com)  
**FISH & RICHARDSON P.C.**  
1000 Maine Ave SW  
Washington, D.C. 20024  
Telephone: (202) 783-5070  
Facsimile: (202) 783-2331

/s/ Claudia Wilson Frost

Claudia Wilson Frost  
State Bar No. 21671300  
Jeffrey L. Johnson  
State Bar No. 24029638  
Ryan C. Wooten  
State Bar No. 24075308  
**ORRICK, HERRINGTON & SUTCLIFFE LLP**  
609 Main, 40th Floor  
Houston, TX 77002  
Telephone: 713.658.6400  
Facsimile: 713.658.6401  
[cfrost@orrick.com](mailto:cfrost@orrick.com)  
[jj@orrick.com](mailto:jj@orrick.com)  
[rwooten@orrick.com](mailto:rwooten@orrick.com)

Travis Jensen  
CA Bar No. 259925  
**ORRICK, HERRINGTON & SUTCLIFFE LLP**  
1000 Marsh Rd.  
Menlo Park, CA 94025  
Telephone: 650.614.7400  
Facsimile: 650.614.7401  
[tjensen@orrick.com](mailto:tjensen@orrick.com)

**ATTORNEYS FOR DEFENDANT  
FÉDÉRATION INTERNATIONALE DE  
L'AUTOMOBILE**

/s/ Douglas M. Kubehl

Douglas M. Kubehl  
State Bar Number 00796909

**COUNSEL FOR PLAINTIFF JENS H.S.  
NYGAARD**

[doug.kubehl@bakerbotts.com](mailto:doug.kubehl@bakerbotts.com)

Harrison Rich (admitted *pro hac vice*)

State Bar Number 24083730

[harrison.rich@bakerbotts.com](mailto:harrison.rich@bakerbotts.com)

**BAKER BOTTS L.L.P.**

2001 Ross Avenue, Suite 900

Dallas, TX 75201

Telephone: (214) 953-6816

Facsimile: (214) 661-4816

**ATTORNEYS FOR DEFENDANTS  
FORMULA ONE MANAGEMENT  
LIMITED AND FORMULA ONE WORLD  
CHAMPIONSHIP LIMITED**

/s/ Deron R. Dacus

Deron R. Dacus

State Bar No. 00790553

**THE DACUS FIRM, P.C.**

821 ESE Loop 323, Suite 430

Tyler, TX 75701

Phone: (903) 705-1117

Fax: (903) 581-2543

[ddacus@dacusfirm.com](mailto:ddacus@dacusfirm.com)

Edgar H. Haug (admitted *pro hac vice*)

Mark A. Chapman (admitted *pro hac vice*)

Roman Khasidov (admitted *pro hac vice*)

**HAUG PARTNERS LLP**

745 Fifth Avenue, 10th Floor

New York, New York 10151

Telephone: (212) 588-0800

Facsimile: (212) 588-0500

**ATTORNEYS FOR RED BULL RACING  
LTD. AND RED BULL TECHNOLOGY  
LTD.**

**CERTIFICATE OF SERVICE**

I certify that a correct copy of the foregoing was filed with the Clerk of the Court via the CM/ECF filing system on the 14<sup>th</sup> day of March, 2022, who will in turn provide notification of same to all counsel of record.

/s/ Danielle J. Healey  
Danielle J. Healey